

Message Text

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PAGE 01 USUN N 00992 020117Z
ACTION IO-13

INFO OCT-01 AF-08 ARA-06 EA-07 EUR-12 NEA-10 ISO-00
ACDA-07 CIAE-00 DODE-00 PM-04 INR-07 L-03 NSAE-00
NASA-01 NSC-05 ERDA-05 OES-06 CCO-00 OTPE-00
EB-08 FCC-01 OC-06 USIA-06 COME-00 BIB-01 /117 W
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R 020006Z APR 77
FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC 3036
INFO AMEMBASSY MOSCOW
AMEMBASSY QUITO
AMEMBASSY BOGOTA
AMEMBASSY GEORGETOWN

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E.O. 11652: N/A
TAGS: TSAP, AORG, UN, ETEL
SUBJECT: OUTER SPACE LEGAL SUBCOMMITTEE: MARCH 31,
1977 - DBS AND GEOSTATIONARY ORBITS

REF: A) USUN 959; B) USUN 975; C) USUN 868

1. SUMMARY: POLAND AND COLOMBIA ADDRESSED LEGAL SUBCOMMITTEE (LSC) MARCH 31 ON DIRECT BROADCASTING SATELLITES (DBS) AND GEOSTATIONARY ORBITS. COLOMBIA DREW SHARP REBUKE FROM USSR. WORKING GROUP II CONTINUED CONSIDERATION OF CANADA/SWEDEN/AUSTRIA COMBINED TEXT ON CONSULTATIONS AND AGREEMENTS. END SUMMARY.

2. IN PLENARY LSC SESSION AM MARCH 31, POLAND (LUKASIK) MADE GENERAL STATEMENT REITERATING NEED FOR INTERNATIONAL LEGAL REGIME ON DBS WHICH INCLUDED PRINCIPLE OF PRIOR CONSENT BY RECEIVING STATE. WHILE PREFERRING GDR TEXT ON CONSENT AND PARTICIPATION SUBMITTED MARCH 29 (REFTEL -), SAID
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PAGE 02 USUN N 00992 020117Z

COMBINED CANADA/SWEDEN/AUSTRIA TEXT OF MARCH 30 (REFTEL B) WAS A SUEFUL FORMULATION. HE ARGUED STRONGLY AGAINST CLAIMS OF EQUATORIAL COUNTRIES TO EXCLUSIVE SOVERIEGNTY OVER GEOSATATIONARY ORBITS.

3. COLOMBIA, AS NON-MBMER AND NON-OBSERVER, WAS THEN GIVEN PERMISSION TO SPEAK ON GEOSTATIONARY ORBITS (GSO) BY

CHAIRMAN WYZNER IN ACCORDANCE WITH PREVIOUSLY AGREED PROCEDURE (USUN 765 AND 767). FYI: FOREWARNED ON THIS STATEMENT YESTERDAY, USDEL TOOK OPPORTUNITY TO OBJECT PRI-;-53)6 TO WYZNER THAT COLOMBIA ALLOWED TO SPEAK ON GSO BEFORE LSC REACHES AGENDA ITEM ON DEFINITION/DELIMITATION OF OUTER SPACE (STATE 59538, USUN 824). WYZNER SAID HE UNDERSTOOD POINT BUT DID NOT FEEL HE COULD PROPERLY PREVENT STATEMENT AT THIS TIME, PARTICULARLY IN VIEW OF SIMILAR STATEMENT BY ECUADOR MARCH 22 (REFTEL C)- END FYI.

4. COLOMBIAN REP BEGAN BY EMPHASIZING THE IMMENSE IMPORTANCE ATTACHED TO NEED FOR DEFINITION OF OUTER SPACE; WITHOUT IT, HE SAID, LSC WOULD BE MERELY "AN INSTRUMENT IN THE HANDS OF THE DEVELOPED SPACE POWERS." SUBSTANCE OF COLOMBIAN STATEMENT WAS THAT GSO IS A UNIQUE NATURAL PHENOMENON AND A LIMITED NATURAL RESOURCE COMPRISING A THIRD DIMENSION OF SOVEREIGNTY TO WHICH THE SUBJACENT EQUATORIAL STATES HAVE INALIENABLE RIGHTS, INCLUDING EXCLUSIVE JURISDICTION. USE OF GSO BY OTHER STATES IS SUBJECT TO PRIOR CONSENT OF SUBJACENT STATE IN ACCORDANCE WITH ITS INTERNAL LAWS AND REGULATIONS. THE EXERCISE OF SUCH SOVEREIGNTY IS NOT CONTRARY OF PROVISIONS OF 1967. OUTER SPACE TREATY (WHICH HE SAID COLOMBIA HAS NOT RATIFIED) BECAUSE THE TREATY FAILS TO DEFINE OUTER SPACE AND THERE IS NO OTHER GENERALLY ACCEPTED DEFINITION OR DELIMITATION. IN ANY EVENT, THE TREATY DOES NOT REFLECT SPECIAL INTERESTS OF LDC'S AND WAS PRIMARILY INTENDED TO GOVERN MILITARY RATHER THAN TELECOMMUNICATION ACTIVITIES IN OUTER SPACE. HE EXPRESSED PARTICULAR CONCERN THAT GSO SLOTS, WHICH LIMITED OFFICIAL USE

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PAGE 03 USUN N 00992 020117Z

ARE ALREADY FILLED TO FIFTY PERCENT OF CAPACITY, WILL BE USED FOR BROADCASTING PLATFORMS IN CONTRAVENTION OF ARTICLE 33(2) OF ITU CONVENTION. HE CONCLUDED BY REPEATING CALL FOR A WORLD CONFERENCE TO STUDY QUESTION OF DEFINITION/DELIMITATION.

5. USSR (MAIORSKI) TOOK STRONG EXCEPTION (BOTH IN PLENARY AND PRIVATELY FOLLOWING MEETING) TO DESCRIPTION OF LSC AS INSTRUMENT OF DEVELOPED SPACE POWERS. HE LECTURED THE COLOMBIAN REP ON MEANING OF CONSENSUS PRINCIPLE AND POINTED OUT THAT NO DECISION HAS EVER BEEN TAKEN OVER OBJECTION BY ANY STATE. HE EXPRESSED "DEEP REGRET" THAT SUCH AN UNHELPFUL ACCUSATION HAD BEEN MADE IN LSC MEETING.

6. WORKING GROUP II ON DBS THEN RESUMED MARKUP OF CANADA/SWEDEN/AUSTRIA COMBINED TEXT ON CONSULTATIONS AND AGREEMENT. USDEL, SUPPORTED BY UK, SUCCEEDING IN HAVING BRACKETS PLACED AROUND ENTIRE TEXT, STATING THAT WHILE US

IS WILLING TO PARTICIPATE IN CONSIDERATION OF THE EVOLVING
NON-APPER, IT SHOULD NOT BE UNDERSTOOD AS SUPPORTING OR
ACQUIESCING IN ANY OF THE PROPOSED LANGUAGE. USSR PROPOSED
ADDITION OF FOLLOWING LANGUAGE AT END OF PARA 3: QUOTE:
IF THE RECEPTION OF TV PROBLEMS IS IMPOSSIBLE ON HOME TV
SETS OF THAT STATE. END QUOTE. OBVIOUS EFFECT OF THIS
ADDITION WOULD BE TO RENDER VIRTUALLY MEANINGLESS THE
PROVISION ON PERMISSIBLE OVERSPILL.

7. IN AFTERNOON MINI-WORKING GROUP SESSION, LATEST
INTERATION OF FIRST TWO PARAS OF CANADA/SWEDEN/AUSTRIA
PROPOSAL WAS CONSIDERED. SOVDELS (MAIORSKI AND KOLOSSOV)
INSISTED THAT STATES MUST HAVE THE RIGHT TO DEMAND CONSUL-
TATIONS ON SPILLOVER. THIS POSITION WAS RESISTED NOT ONLY
BY US, BUT ALSO UK, AUSTRIA, SWEDEN AND JAPAN BECAUSE
ADEQUATE PROVISIONS ON SPILLOVER ARE INCLUDED IN RELEVANT
ITU DOCUMENTS AND DECISION.
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PAGE 04 USUN N 00992 020117Z

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Message Attributes

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Channel Indicators: n/a
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Copy: SINGLE
Sent Date: 02-Apr-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
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Disposition Approved on Date:
Disposition Case Number: n/a
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